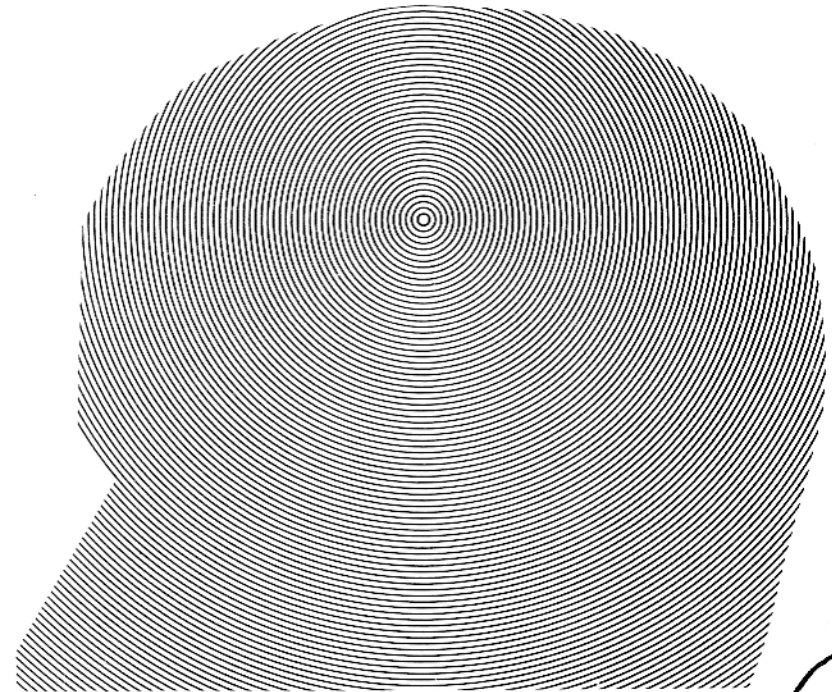


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Canadian Issues Series

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Doug Christie, B.A., LL.B.



**THOUGHT CRIMES:
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KEEGSTRA CASE**



THE AUTHOR

Born in Winnipeg in 1946, Douglas Christie earned his law degree from the University of British Columbia in 1970 and has practised law in Victoria ever since. Christie, unlike many of the legal profession, is consumed by a passion for justice and freedom, rather than money. He has often taken unremunerative or unpopular cases. Sometimes called the Clarence Darrow of Canada, Christie has recently achieved considerable recognition as the defence lawyer for Ernst Zundel and James Keegstra.

The Keegstra case, the topic of this booklet, "suits my personality," says Christie, "because freedom of speech is something I fervently believe in. ... My father always taught me to be true to myself. It's when people's ideas are not popular that the real test [of freedom] comes." (*Globe and Mail*, March 1, 1985)

Christie, who has been dubbed "the Battling Barrister," operates from a tiny converted parking-lot attendant's office in a downtown Victoria parking lot. The two-room, single storey office is dwarfed by a building of ultra-modern legal offices just beside the parking lot. Christie, a devout Catholic, eschews the flash and glitter of so many upwardly mobile lawyers, and prefers the rural peace of his 12-acre farm near Sooke, on which he raises goats and ducks.

Christie is a founder and leader of the Western Canada Concept (WCC). He is a fervent opponent of compulsory metric and forced bilingualism and what he terms "Big Brotherism." He told a freedom of speech seminar in Calgary, May 25, 1984: "The tyranny I fight today is the tyranny of relativism and secular humanism. It has unleashed the McCarthyism of the left." It is to combat this witchhunt against unfashionable views that Christie has taken clients such as James Keegstra and Ernst Zundel. His principles have not been without risk. On June 7, 1984, his Victoria office was vandalized and a swastika painted on his door. Several times during the Zundel trial his office windows were broken. He has received death threats. On the opening day of the Zundel trial, he and his legal assistant, Keltie Zubko, had to force their way through a cursing, spitting, punching Jewish Defence League protest outside the court.

THOUGHT CRIMES: THE KEEGSTRA CASE

by

Doug Christie, B.A., LL.B.

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INTRODUCTION

The year 1985, one year after George Orwell's year of apocalyptic horror, brought Canada into the eerie age of thought-crimes trials. Three convictions that year -- Ernst Zundel in February, James Keegstra in July, and Don Andrews/Robert Smith in December -- saw Canadians tried, convicted, and, in two trials (Zundel's and Andrews/Smith) sentenced to prison for nothing more than the non-violent expression of their political or religious views which is, incidentally, how Amnesty International describes a political prisoner -- a fact that puts Canada in a somewhat embarrassing situation making, as it does under the present Mulroney Government, such an issue of the fact that South Africa is holding a number of political prisoners.

The conviction of Alberta school teacher James Keegstra for having violated Section 281.2(2) of the Criminal Code, which makes it an offence to communicate "statements, other than in private conversation, (which) wilfully promote hatred against any identifiable group" (identifiable by race, religion or ethnic origin) resulted in the accused being sentenced to a fine of \$5,000.

As this booklet goes to press, both the conviction and the sentence are under appeal, as are the convictions of Ernst Zundel and of Don Andrews and Robert Smith. The trial process has been enormously punishing for Keegstra, a family man of modest means. The transcript alone for the appeal, a total of 32 volumes running to more than 6,000 single-spaced pages, cost Keegstra \$25,000. Indeed, the costs to the defence have already exceeded \$60,000. It seems that only the trendy or the very wealthy may soon be able to afford to express views that run counter to the presently fashionable views on religion, history or race.

In this booklet, Douglas Christie, James Keegstra's dynamic lawyer, presents the arguments offered to the Jury on Keegstra's behalf. This booklet is an excerpt of the three day summation to the Jury delivered by Douglas Christie, July 11, 12 and 15, 1985.

While the summation has been considerably abridged for this booklet, the essential arguments are included. Only slight alterations in wording, usually the inclusion of a proper noun for clarity, have been made in the text recorded as the court transcript.

Toronto, Ontario

Paul Fromm

July, 1986

Research Director

Citizens for Foreign Aid Reform Inc.

Mr. James Keegstra is a man of 51 years of age. His life's work and chosen vocation for 21 years was teaching. He is the man who served as Mayor of his town for several years. He was described by all but Robert David as a sincere and honest man. He served what he believed to be God, Queen and country. He was fired from his job. He has lost his career, lost his right to practice his vocation. He has been destroyed as Mayor. He has seen his reputation destroyed, and so has his family. He has suffered all this as a sincere and honest Christian.

Now the Government of this Province, represented by my learned friend in the name of Her Majesty The Queen, seeks to make him a criminal, and they want you to do that for them. Before you leave here, you will have made that decision. You will say yes or no to this injustice that I suggest to you the Crown seeks to perpetrate. You have the duty to find him guilty or not guilty according to your conscience.

On the surface where most people think and live, he is on trial before you. On a much deeper plane, he's on trial before God and his conscience; and you in this community, and everyone in this room, are on trial before the bar of history. Your verdict will be the verdict upon freedom in your country for all time to come. Because of the way this section is drawn, you will be required to define public interest in a discussion, the public benefit of a discussion, or a reasonable discussion. You'll be saying yes or no to freedom for yourself and your descendants, as you will define what is a reasonable belief, and what is good faith in regard to religion, and the public interest in matters of discussion. This trial is a case where you really have to decide what is legitimate belief. You have to decide what is a legitimate belief in a court of law, and hence whether I say freedom is real or not.

Now, I have been in similar situations, and the Crown says freedom is not the issue. Freedom is never the issue until it's lost. In this country, you will decide really whether it's being lost. In July, 1925, it was very lost. In Dayton, Tennessee, a teacher was being tried for teaching a bad ideology. He was teaching Darwin's Theory of Evolution. The State of Tennessee said it was illegal. The accused was a teacher named Scopes. Today in Red Deer in July, 1985, it is a former teacher -- he's already been dealt with. They've already done to him all they really need to do, and they've also scared enough people, they really don't need any more, but they want more. Yes, he's a former teacher, and he's being tried for teaching that

what the Bible said about the Jews is true. I'll be showing you where every single thing that he said about the Jews is said in the scriptures that you swore your oath on. He said that they have a false and evil religion. That's what it says there, and I'll refer to it. You may agree or disagree with that statement. You may consider yourself a Christian; it matters not. But that's his religion, and it's his Bible, and he relied on it.

So he's here being tried for what he believed was in the Bible. Think about that. They made Scopes a criminal. Yes, he was convicted for teaching Darwinism in 1925, in July. They wish to make Keegstra a criminal for teaching what he believes is tolerance. The philosophy of secular humanism has come a long way in 60 years, that teaching its opposite and its antithesis is now subject to prosecution.

Scopes, incidentally, was cross-examined as to why he ignored parts of the Bible. The irony of that is really overwhelming.

Long before this trial started and while this trial was going on, even today, there are those who daily have called Mr. Keegstra all sorts of things. Members of Parliament have seen fit to condemn him. The Premier of this Province has seen fit to condemn him publicly, and I don't know whether you know that or not. It matters not. I'm sure you do. They've called him a Neo-Nazi, at times, an Anti-Semite, or worse, all of that before they ever met him. Think of the power of the press. That supposedly responsible, elected officials would make public statements condemning a man they never met, whom they had never heard, except through the media. That is the power that has made my job so difficult, and that is the power that you should really disregard, if you want to give a fair verdict, true upon the evidence. His name has been repeated further and wider with more derogatory connotations than anyone you have ever heard of before. Mass murderers have not had so many bad things said about them. He has been called a bigot and a fanatic. But I say to you that the real bigots, the real fanatics, if there are any, are the people behind the creation of this section of the law and this prosecution. They say, in effect, be tolerant, (let) us have the standard, mainstream views, or we'll put you in a court, charge you as a criminal, and jail is a certain possibility. That is much like saying, make peace or I'll blow you up. Such is not tolerance, such is not intelligence, such is not the service of mankind, and such is not what, I suggest, is in the benefit and interest of the public.

The people behind this prosecution have an official mainstream view of history. It's been repeatedly challenged that the accused did not follow it. It was said that he ignored it, which he did not. They insist that no one should deviate from it. They cannot tolerate criticism of their views. They insist on conformity. We're faced here in this prosecution with a new McCarthyism of the left. They wish to entrench their bigotry as the law of the land and eliminate opposition. They wish you to do it for them -- to legitimize what they are doing -- by finding him and his views unreasonable, not in good faith, not for the public benefit, and not in the public interest. Therefore, the State will define the boundaries of legitimate discussion. That will be the result, if you convict and legitimize the power to do so. They wish you to find him guilty so they can stop his views. If his views were untruthful, why should they be stopped? They can be defeated by truth, and reason, and freedom. What other weapons does truth need than an open marketplace of ideas?

You will notice they don't want to discuss the content of his views or defend against them. They attack the background of his authors, the scope of his ideas, but do they really come to grips with what he says? They just want to shut him up, and they want you to help them do it.

You have the choice in how you define public interest, public benefit, reasonable grounds, and good faith in these circumstances. There never before has been a situation where juries have had to decide what is in the public benefit in a debate. His Lordship has said that. I agree. I say to you that never before have juries been put in this position, and they shouldn't be. No man should be stuck with an inquisition into his life's work and teachings in this country and have to spend as much time and effort as the accused has had to spend defending himself against the massive power, wealth and enormous abilities of the State. You couldn't do it, and I couldn't do it, and I suggest to you it's a minor miracle that he could stand it.

For two and a half years he has had no moment's peace. Now they wish him to be made criminal.

Never before have these words, "good faith," "reasonable grounds," "public benefit," "public interest," been seriously debated in this country in this context. That is, in the context of an honest man's world view and belief. Do you have a world view? Do you have any beliefs? I don't know, I've never met you, and I've never talked to you, but I suspect that like me,

you probably do. How do you think that you could verify the things you believe? If you were attacked for something you said or something you wrote, what reasons would you be able to give, how many sources could you quote?

Now, I suspect the Crown will say freedom is not the issue, and I have said these trials are long and cumbersome, and they are. I have heard it said, and I was shocked to hear, that maybe when we have more experience in these matters, they will be more speedy and easy. To me, that is bad news. I think it should be something for you to think about. These matters shouldn't even be here, if we are going to put people on trial for their life's views, their beliefs, and their teachings, and I might add, (the Crown) not specifying what's supposed to have been said, or when it was supposed to have been said, or exactly where it was supposed to have been said, but leaving it open for anything and everything that Mr. Keegstra is supposed to have said, (during) four years of teaching. If we're going to put people on trial for that kind of thought process and communication, then I don't think it's ever likely that it will be easy or speedy, nor should it be. In my submission to you, by the end of the day, when you look at all the circumstances that have happened in this case, you will consider it as I do, the ultimate insult to freedom and the biggest waste of time and taxpayer's money that has ever been inflicted on anybody in this Province, or in this country anywhere any time before. These matters are best suited for an inquisition. An inquisition is really what this trial has been forced to be. Not by the will of anyone here necessarily, but by the complex nature of the charge, by the tactics of the Crown.

How does this happen? Well, here's how it happens. It's not by his choice, or really by mine either, that it happens. To show an honest belief, you have to place character in issue, because you have to show to the jury the man has an honest character. You tell me how you can prove an honest belief without proving the man who holds it is honest. Well, of course that's the way the section's designed. Once there's some evidence of hate, then he's thrown into the position where he has to show you that he's honest. Does he have to prove it beyond a reasonable doubt? No, no. He's not supposed to have to, but it opens him up for cross-examination, because he has to place character in issue, and the section requires you to show honesty of belief, therefore character will invariably be in issue. This means the Crown can bring out anything about the accused in his trial,

and invariably will, to denigrate his character to his prejudice so he may be looked upon by you, hopefully, as in their view, as dishonest. They have tried such with James Keegstra, but I suggest they have failed.

You won't, I hope, ever know what it's like to face cross-examination for an hour. I hope you'll never have to be on the stand for a day, and God help you if you're ever on the stand for 26 days, and if they ask you your name at the end of that time, and you can answer, I compliment you on your ability. Because we are finite, weak mortals who get tired and sometimes say things that are not precise when we're tired. But I can tell you they can pick apart what he said for hours. Before you stood an honest man, and behind me sits an honest man, and no one in this world will ever have a reason to disbelieve that. He has his faults as we all do, but dishonesty is not one of them, and neither is hate. Neither is hate.

If any man had a cause to express hate, and to show hate and to show anger, and to show bitterness, and to show hurt and resentment, it's him, after two and a half years of having his name dragged through the mud by the scribes to my left. But did he? Did he once show hate to you? And then they'll say, well, that doesn't matter. Maybe he doesn't hate. Then they'll say it doesn't matter that the students didn't acquire hate. That's what they started out saying. Well, then, where is this hate? How do we measure it? Where is it? Is it in a word by a reckless student in an essay that Mr. Keegstra is supposed to have corrected, and maybe didn't as he might have, had he been knowing, at that time, that he was going to have to face a sort of inquisition into his life's beliefs and teachings, is that where we find the hate? Then you could find hate in the flippant remarks of any person you talk to, and if you talked to them, maybe you're responsible for that. How reasonable is that? How reasonable is it to believe the accuracy of these notes? We'll deal with that later, but I want to put it to you right now that though there are some similarities, there's one thing the Crown won't do, and that's concentrate on any of the differences, because there are far more differences than there are similarities, and they'll accuse him of selective perception. Let me explain to you that in the course of the submission of the Crown they're going to have to be very selective. First of all, they select the 23 Students they need and want. Then they select the notes they want. Then they select the parts of the notes they want, and only now when I sit down and can no longer speak, will I find out for the first time what words they really think constitute the crime.

The evidence has shown the accused did not promote hate. So, therefore, the Crown says it doesn't matter whether he succeeded or not. The evidence shows he didn't intent to promote hate. The Crown says it doesn't matter whether he intended to promote hate or not. The evidence shows that the notes are confusing and complex and contradictory and conflicting, but there they must find some hate. So they will pick and sift and look and dodge and weave and see if they can find some hate -- (an intention) to promote hate against an identifiable group, to wit: the Jewish people. Well, who are the Jewish people? Is there any evidence of that? No doubt they have a religion called Judaism, which His Lordship will tell you about, but who are they, where are they, what are they? Are they identified in a real sense? Were they identified in his teachings in a real sense? How could you identify the victim of your supposed hate that the Crown says he's alleging to promote? Some of them are part of a conspiracy. Which ones? They're not identified. The Crown did not specify a day of offence because we could have been in a position to answer it. We could have called evidence to show on this specific day that's not what he said. You know, the citizen should really be entitled to know what it is he is supposed to have said, when he's supposed to have said it, and where he's in error. They have not specified a class, or a month, or a year. They have left it wide open, so they could read 23 students notes over four years, and they will not specify what words are supposed to have offended until I sit down. And of course, once I sit down, you know, I cannot say another word. I will sit and listen, for the first time, to the specific substance of the charge, because then I will know what words the offence is made of. Maybe the Crown will shift and move itself to other words than we have answered -- I don't know. The essence of the charge is really unspecified. What are the words that constitute the offence? When did he do it? What did he do? So, to every answer we raise, and all the evidence we've produced, which tries to cover every possibility, I submit that if we raised a suitable defence to those words, the prosecution can move to other words and say, you proved reasonable grounds to these words but not those others. This is the tactic of the thought police, who use any means, any means to get a conviction, especially the means of power, because they have the time, the money, the ability to carry on forever, because they don't need to worry about the source of their ability to defend and prosecute or do whatever they need to do.

It's only through courageous individuals of integrity that freedom has developed to the point that it has. It's only through courageous individuals of integrity such as you can be, that freedom will be preserved. You are really the only judges in the case of the facts and the major issues in this case, to decide what is a reasonable opinion of the accused, held in good faith, for the public benefit and public interest; whether he, in good faith, was endeavouring to remove hatred against Christians, Arabs, and others, through stereotyping that has occurred and does occur everyday through the efforts of the scribes. The fact that you have become jurors, a decision over which the Defendant had no great hand, is really an indication that government, with all its superior knowledge and ability has confidence that it need not worry about your intelligence or your integrity; (but) that they will find you agree with them, (and) that you will convict. We hope that you will have the intelligence to realize the integrity to live up to your realization that where you cannot in good conscience impose blame, you cannot in good conscience allow punishment.

If you find someone a criminal, you have inflicted upon any man or woman the most serious indictment society can give. The punishment is irrelevant. If you label a man a criminal, you have put him into a category outside society and condemn him. There was once a saying said by someone, 'that he who is without sin among you, cast the first stone.' Who among you, if you were on the stand or charged, could give more reasons, better reasons for matters in the public interest and public benefit than he has? Which can only mean, in that eventuality, that you cannot find yourself in good conscience able to convict. That regardless of what anyone may say to the contrary, you must acquit and bring in a verdict of not guilty.

This case has five points. I'll read you the section. Everyone who, by communicating statements other than in private conversation, wilfully promotes hatred, against any identifiable group, is guilty. The punishment follows. The law is unique in this situation, because it has created certain specific statutory defences. Four of them. No person shall be convicted of an offence under that section if he establishes that his statements were true. Nobody can prove the truth of a theory about history. And nobody can prove its falseness either.

The second is, if in good faith, he expressed or attempted to establish by argument, an opinion upon a religious subject. This is a defence full of

nebulous ideas, which I will try to deal with. Thirdly, if the statements were relevant to any subject of public interest, the discussion of which was for the public benefit. (Fourthly,) if in good faith, he intended to point out for the purpose of removal, matters producing or tending to produce feelings of hatred toward an identifiable group in Canada. All beautiful legalese. But in those few words are the biggest questions in the history of man, and I mean that, and I repeat it for your benefit, to think about it. Those few words contain the biggest question in the history of man: What is good faith?

What is an opinion or discussion relevant to public interest? What's in the public interest to discuss? Well, if the State has its way, it certainly won't include what Mr. Keegstra was discussing. If you define those things which are for the public interest to discuss narrowly, then a lot of your discussions and mine can become illegal. Now, they won't always say, well, what you said is the same as what Mr. Keegstra said, but, you see, our law works this way; that what happens here will be cited by other courts and other people as authority. Everything we do here is based upon precedent. What you do here, will be interpreted to mean that public interest and public benefit can be defined as narrowly as the Crown desires. How many things has he said? Thousands of things. Any one of those could be said to be, if you were to convict, contrary to the public interest, not in the public benefit, not on reasonable grounds. How do you think that you can decide what is a legitimate discussion for the public benefit. I couldn't. I wouldn't dare decide that question. But, you see, they put the onus on the accused to prove that it is, and then they'll say, well, he hasn't proved it. He hasn't proved it's in the public benefit. They want you to define public benefit as only the things that Crown says are not hate. That will give the State the power to define the limits of discussion. And very narrow limits it will be. You must realize that whether you like it or not, whether I like it or not, you have been entrusted with a very serious decision that will affect your children, and what they may think and say. It will have far broader applications than James Keegstra or what he said, because you will be giving a definition to the words "public benefit" by your decision.

I say to you that all discussion, short of advocating violence, is in the public benefit, because, right or wrong, every opinion creates an opportunity for further debate and discussion and the information and

communication of ideas. New ideas challenge you, new ideas create awareness and stimulate the mind. New ideas distinguish us from animals and create human progress towards the truth. He doesn't have the truth. You don't have the truth. I don't have the truth. But if we're all seeking the truth, we're all going to come a lot closer to finding it.

If what he says becomes illegal to say because it creates hate, and if you say, well, that's not in the public benefit, then what I say had better conform to what they say. They -- being the authority of the State. Because I'll tell you a lot more can be done through fear of prosecution than prosecution, itself. A lot more damage, too.

If there is to be a criterion of objectivity at all attached to the subject of public interest or the public benefit, one might consider that in the curriculum, every one of the subjects discussed, including Jews, including the biblical claim of Jews to Palestine (should be) included. If that is an indication of what the State or the Department of Education regards as the public interest, then they (should) have printed it, and they (should) have put it there. (But) they have not provided a guide to interpret it or a means of knowing with any authority what precisely is to be said before the fact. After the fact, it appears the Superintendent is prepared to say that he doesn't think it's within the curriculum. Mind you, he says and cannot deny, that it is the duty of a teacher to interpret it. My argument has been that it's obviously necessary to look far wider than the will of any particular government department to decide what is the public interest, because you must decide whether, in your own reasonable perception, it is necessary in the public interest and for the benefit of the public that views be expressed, and specifically the views of the accused. He is not, in that respect, obliged to prove their truth any more than the Crown is obliged to prove their falseness, only that they be founded upon a reasonable basis and that he, having had that basis, might have an obligation to express it.

My argument rests on the basic principle that our institutions are not devised to bring about uniformity of opinion. If they had been, we might as well abandon hope. It's important to remember, as has been well said, the essential characteristic of true liberty is that under its shelter, many different types of life and character and opinion can develop unmolested and unobstructed. The contrary of that is to say that the views and beliefs of Mr. Keegstra are not in the public interest and that all the basis for them would likewise be outside the public interest. Then I suggest the Crown

and every State authority should see to it that all the basis of his beliefs, the books he relies upon should be burned. That would involve a great deal of government censorship and government thought control, and that would not be in the public interest. Mr. Keegstra's opinions are new opinions. In the opinion of the Crown, they may not be considered new, but I suggest that many of them are -- specifically the opinions respecting the Holocaust which he expressed. They are not widely held, they are not old opinions that are long in the minds of human beings. They are new opinions and new opinions are always suspect and usually opposed without any other reason, because they are not already common. I don't think for a minute that the reaction to new opinions has always been moderate and always been reasonable, because, of course, the history of the world is replete with examples where it has not been reasonable and it has not been moderate, and this is one of them.

The reaction of the established views, the establishment and the media, to the opinions of James Keegstra certainly has not been moderate, nor has it been considered. Nor in this trial has there been any reasonable effort to demonstrate that the views of Mr. Keegstra and the basis of those views was in any way unreasonable. Simply the reaction is, as it has been throughout history, damn the man and damn his character but don't come to grips with what he says. The same tactic has been used here, and the same process, I suggest, of intimidation of the Crown's own witnesses is exactly the process that throughout history has (victimized) those who dared to stand up and support an individual who had a contrary opinion, and that process is totally contrary to the public interest, and it is totally destructive to the public benefit. Public opinion, throughout history, has been formed in many ways, but today, you and I know that this case demonstrates it is formed through the mass media. That's where public opinion is formed. The mass media has no restrictions upon it because it has power, power to paint an individual any way it likes. It can, through television, radio and newspapers, paint a man so badly that those who knew him are afraid to stand beside him. That, I suggest, is a phenomenon that the Crown is well aware of and has, in fact, not dealt with in any way other than to rely on it.

It is my argument that without freedom, there is no public benefit, and freedom is not worth having if it does not connote also the freedom to err, because that means that the public benefit is served by being able to correct it.

Now, when it comes to religious doctrines, and the whole subject of religion is a very central issue, it's obvious that the Jewish religion is criticized. In fact, by Mr. Keegstra, it was roundly criticized, and I will deal with really why, on what reasonable basis he did so in a few moments. I would say that from the standpoint of freedom of religion, and freedom of speech and the press, et cetera, it is enough to point out that the State has no legitimate interest in protecting any or all religions from views distasteful to them -- which is sufficient to justify (no) prior restraints in the expression of those views. The State has no legitimate interest in promoting one religion as opposed to another. It is not the business of government, nor is it in the public interest in our country, to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publication or in speech. It is an attack upon (his) religious doctrines which Mr. Keegstra finds most offensive, (which) is the main reason why he's here.

If you have, as you may, no particular appreciation of the point of view that he expressed, that really doesn't matter at all. It is still necessary to consider whether, in the public interest, he should be free to express it. No one can deny that he was dealing with the issues that were in the curriculum, albeit not in the way that the authorities would like, even though the authorities provided no indication of how they would like (them) taught. It is our attitude toward freedom of thought and freedom of expression which will determine what becomes of the public, what becomes of us, and what becomes of future generations who have yet to learn what the truth is or even how to seek it. There must be no limit on the range of temperate remarks, temperate discussion. What was temperate about his discussions, if anything? He never advocated violence. He advocated that good would triumph over evil in a fair discussion and debate. He advocated debate. He advocated the extension and understanding of different ideas so that everything he discussed was temperate in that sense. There should be no other limits to free thought. Freedom is necessary that the public and every one of us may learn. No subject should be taboo. There is a suggestion that he ought not to discuss the subject of the Jewish conspiracy or a Jewish conspiracy theory. It is my submission that that is a false statement. There is no evidence to support it, there is no reason to believe it. Basically any subject upon which there is any reason to believe is better debated and discussed than left in a status where it is a taboo subject. Otherwise, in a classroom or in anyplace where we

assemble to discuss ideas, there is an implication that there is a censor present, that certain ideas may not be talked about.

That is not a benefit to society; that will not help our social harmony; it will not create tolerance, it will not create understanding. It will create silence, bitterness, and ultimately, violence. To interpret the public interest or the public benefit in those narrow terms is to restrict freedom of thought and expression to a most dangerous level, and to create a situation where it becomes almost subversive activity to create, or think of, or discuss a new idea. In the long run, of course, such a process will inevitably fail anyway, because people will think those things and say those things, first in private, until such time as they're sufficiently powerful to say so in public. So, if you value freedom, the public interest, and the public benefit, there is only one way, and that is to guarantee an equal and full measure of liberty to all your neighbours, and there is no other way.

The cause of freedom of speech numbers among the most glorious martyrs of history. Socrates, whose name we hold in reverence today, was murdered by the Athenian people for seeking to lead them to think for themselves. Bruno was the one who was burned at the stake for believing that the world was not the centre of the universe and the sun didn't rotate around the earth. He was killed for that. Galileo merely went to prison and paid the penalty for valuing truth above public opinion. Who benefitted the public most in that historical situation? Would it be better if they had been silent and that now we believe that the sun rotated around the earth?

Roger Bacon upheld the cause of scientific research against innumerable prosecutions and persecutions. Milton perceived that no error was so fatal as the suppression of thought and penned his work called *Areopagitica*, which remains to this day a fairly powerful argument to all who either from mental weakness or tyrannical disposition seek to set bounds to human speculation or expression. It seems to me ridiculous that we should have had to go back to these historical sources to argue these issues all over again and to be told, as I expect to be told in the near future by the Crown, that freedom is not relevant to the public interest or the public benefit. We have been forced, in the last 14 weeks, back to a time before these people wrote and fought, to act as if they said nothing and wrote nothing and thought nothing, and that seems to be the intention of those

who desire to silence others; that we should be driven back into worse than the dark ages.

Voltaire and Paine and many others followed in demonstrating that free minds and free speech are necessary that men might grow and live. These aren't new thoughts. I'm not speaking to you of something that hasn't already been discussed thousands of times over, but it's as if this is no longer relevant. We are to be ignorant of the basic issue involved because the law doesn't have the words in it included in the section, doesn't say free speech. Someone will say we're not here to put the law on trial, we are here to interpret the law.

I suggest the history of mankind is a hopeless pursuit of unanimity and conformity, which in the modern era, with mass media, is far more dangerous than in the days (when) people fought against the weak forces of centralization. There is far greater power to centralize and completely control your mind today than ever existed for Milton or any of those people who fought for their ideas. The power to suppress opinion, the power to centralize opinion and dictate thoughts is far greater today than ever before in history, and the danger of it is that we'll interpret public interest to mean just that - uniformity, conformity and the dictates by the State of the appropriate beliefs. That, in my submission, is a very serious matter that you have to consider, when you decide what public interest and public benefit really means.

In regard to education, I suggest that what this has done is stirred things up, hasn't it? Mr. Keegstra's teaching definitely stirred things up. Well, education, if it's true education, doesn't quiet things down, doesn't create a standard belief. It does stir things up, it awakens people, and that is what Mr. Keegstra's students said over and over and over again; he opened their eyes. True education destroys myths. Now, I don't know whether he has destroyed myths, but he has certainly challenged ideas. It empowers people to think, when they challenge and they think of challenging ideas.

What do you want in students and in people in society but the ability and the willingness to challenge with new ideas? That is in the public interest. Maybe people would say they are uncomfortable with the idea that you could have a heretical or bad idea, that it should be in the public interest to speak it; but if one thinks about it, the fact that the heresy of today may become the truth of tomorrow, means no one can plausibly claim infallibility and absolute truth for any theory. We should realize

that the very nature of free academic activity implies an openness to all points of view, provided only this, that they express the result of honest inquiry. Honest inquiry means the best that a person can do with the limited means he has. It doesn't require that we be a genius to inquire into anything. It is only through honest inquiry that there is a means of communicating new ideas or learning. You have no freedom to learn, if your teachers are not free to teach the truth as they see it. That, of course, involves the possibility of error, but the answer to error is not incarceration or charges of a criminal nature. The answer to error is debate. It always has been in the free society.

In any analysis of history, there is inevitably going to be the promotion of potential hatred against one group or another, even, for example, in the conquest of North America by so called white society. If you promote the views that may have existed when I went to school, the Indians are portrayed as ignorant savages. If you take a view such as is more popular today, the situation is almost reversed. We become the despoilers, the conquerors, the vicious promoters of scalping and of inhuman means of dominating our enemies through bribing some against others. So, what is the truth, and how can you historically analyze the conquest of North America without promoting hatred in some sense against some identifiable group? It is inevitable that in the conduct of history about history, there will be the promotion of a bad impression perhaps. I suggest hatred is far too strong a word in any of the criticism that Mr. Keegstra levelled against the Jewish religion or against some Jews involved in the conspiracy. Hatred is far too strong a word. There may be a suspicion, there may be a feeling, beware of such people, but hatred is a mighty strong word. If you discuss any issue in history, the Boxer Rebellion in China, what can you say? Did the British do something wrong, or (should) the Chinese people have been subjugated? Of course, you are inevitably going to portray one side or the other as, to some extent, right or wrong, and there is a necessity that you make these value judgments if you are going to discuss the issue in any real way. Inevitably, there will be two sides, and inevitably, someone will take one side or the other. If the teacher is running the class, what else can they do? Nobody is obliged to have a totally balanced opinion. Nobody has a totally balanced opinion. If you take a look at the work of Martin Luther, you will see that he had a far stronger condemnation for the Jewish religion than anything Mr. Keegstra said. So, censorship of that, I suppose, if (Luther was) wrong, is

necessary. But I suggest that he, like anyone who has a firm belief, will condemn its (imposition) completely and utterly. And if you don't want people with firm moral views, then this type of prosecution is the way to accomplish it.

If Mr. Keegstra spoke, and he did speak about the means of a conspiracy to accomplish power, every religion in the world has in some way, in some form or another, conspired to its own success, and it shouldn't be wrong for one religion to say that another religion is wrong. It is impossible to decide who is right and who is wrong without such discussions. There is so much of history that deals with the subject of Jews and Judaism which would have to be expunged if beliefs such as Mr. Keegstra's were to be considered criminal, that we'd have to establish a whole new bureau of censorship to go through the dictionaries, the old encyclopedias, the books such as these exhibits, and others. What will we do, send a whole new bureaucracy around looking at old book stores and libraries to extract these books?

If there is something good in them and something bad in them, who will establish which parts should be taken out and which parts should remain? Does it not appear somewhat ridiculous to you, that now books that historically have been tolerated should now no longer be tolerated? Does it mean we are moving into a new era of temperance and tolerance, or does it mean that we are moving backwards into 1984, that (vision) of the future where thoughts are policed? The public interest surely cannot be regarded as being in that kind of activity.

Throughout the cross-examination of Mr. Keegstra, a number of statements were made about Ron Gostick; suggestions were made about Curtis Dahl; suggestions were made about Willis Carto; suggestions were made about Colonel Mohr. Not one of those suggestions was proven. Judgements were expressed and innuendoes were made about people who are not present. I don't consider it courageous, or worthy of respect, that people who are not before the court are condemned before the court in their absence, or implications are made against them that are never proven. Well, let me only say this, that none of that is evidence. The whole of it can be disregarded for two reasons; if it doesn't conform with your opinion of the facts and secondly, if it doesn't conform with His Lordship's directions on the law. I say to you that anything said about Pat Walsh, Ron Gostick, Curtis Dahl, Willis Carto or Jack Mohr, none of

that is evidence and you should not regard any of those innuendos, statements or suggestions as proven.

I make submissions to you which you're entitled to disregard, but I don't put them in the form of evidence. If I was cross-examining, I wouldn't put them in the form of evidence either. Three letters of complaint were alleged. Well, of course, none of that is evidence. Trotsky's autobiography was referred to and things (quoted) from it to challenge the accused. None of that is proven either, nor does it necessarily become evidence. Rockefeller and the American Dynasty was referred to. If the Crown wanted to prove that the accused's views were unreasonable, if they wanted to call an expert in the Rockefeller history, if they wanted to call an expert in Trotsky's background, they could have done that, because those are not areas of common knowledge, and they are not in the area where you and I have any particular knowledge, but they didn't do it. If they had, they could have been cross-examined. The reason why I suggest it's dangerous and I'm dealing with this, it because the implication is that something the Crown said is true. Well, it may be or may not be, but it is not proven, and until it is evidence, you can't even assess it as being possibly true. You cannot take it as any form of proof. There was reference to books like **The Coming of the New Deal** by Schlesinger, about Harry Hopkins. There were statements about Alger Hiss and whether or not he was a Jew. There were quotations taken From **Fortune** magazine. Now, as I said before, if I happened to quote from a source, it doesn't have any evidentiary value whatsoever. If it has any significance in these submissions that I quote from a source, all it means is that I'm quoting from it to argue that there is some merit to these ideas, but it is not a proof, and all the more so is it not a proof if the Crown, in a question asks: did you realize the **Fortune** Magazine in 1933 or 1936 said this? Well, first of all, did **Fortune** Magazine say that, and is that the truth? None of that is proven and it really isn't evidence, because the accused had no knowledge of it, and it doesn't have any bearing upon the reasonable basis of his belief unless it is proven, first of all, that it is true, and secondly, that he ought to have known it. I don't think, with the greatest respect, that anybody is in a position of being unreasonable if they don't know what **Fortune** Magazine might have said in 1933. Nor is the Crown at fault for not knowing what these books say. If you're going to condemn somebody for holding an unreasonable point of view, you'd better look at what they do say and what their sources do say, rather than just finding a

few minor contradictions. If you want to show they're unreasonable, well then, you show where the person knew or ought to have known that what he understood from his sources was false.

Nothing I suggest to you in regard to the Talmud or in regard to those parts of the Bible that I've referred to, demonstrate that Mr. Keegstra ought to have known otherwise. In fact, he had fairly good reasons for what he believed. I guess it's for you to say whether these reasons are sufficient. Nothing from **Warrant for Genocide** or the book by Rabinowitz or Churchill on anti-Semitism, none of that was proven, but it was sort of slipped in as if it was evidence. I'm telling you it's not and shouldn't be regarded as such.

The Crown does not attack the reasonableness of the accused's belief. It picks at him a little bit. They don't call anybody to show that his sources are non-mainstream. They don't even show that his sources are not mainstream. I don't know, with the greatest respect, whether it would make any difference if they did. People are not criminals because they disregard, or move away from, or don't believe in the mainstream. The Crown's major weapon has been sarcasm throughout and minor contradictions in parts (and a very small part) of the total number of books. Not even 40 per cent of the books were in any way attacked, and in those cases where they were, it was only to demonstrate some minor contradictions such as Dr. Anthony Sutton saying the conspiracy isn't Jewish but that there is a conspiracy. Then, look at Dr. Sutton, and what does he talk about; the Warburgs, and the Rothschilds. Well, that's fine, that's his view. He may have every reason to believe it. He may also be somewhat afraid of what might happen to him if he said it was, or that there were, larger than the general proportion of Jews in the population in such organizations, but there are very good reasons why authors might take it very carefully when it comes to saying that there is any particular group involved. They might not be called Dr. Sutton so very long.

In regard to the subject of the Talmud, I would suggest that nobody has said that anything Mr. Keegstra said about the Talmud is unreasonable, not one word. They simply make ad hominem attacks. They don't call any evidence on the authors themselves to show what the accused ought to have known about them. How much do you read about the authors that you accept? Whom do you accept as an author? How much do you know about them? How much is reasonably necessary to judge a book? I say

generally, (when) any reasonable person looks at a book, they open it, and read a couple of pages. If it makes some sense, they read more. Most of us don't read very many books anyway, but if you do, ask yourself, do you find out the author's background or do you find out his political beliefs? I suggest that the best way to find out what they are is to look at his work and analyze it in relation to other information you already have. It's his work, the substance of the work that determines whether they are reasonable or not, not what other people have written or said about them. That is, I suggest, what Mr. Keegstra demonstrated he meant when he said: look at the bias of the author, look at the substance of his work, and you can see the bias. So how much more does a man have to do to show that he had honest beliefs and that he founded them upon reason? That's not to say that you like his ideas. That would not be in the public interest. If you were to do so, I suggest that it would be a form of intellectual tyranny and conformity that is not really going to help to increase understanding or tolerance or the growth of morality, or anything beneficial to society.

What, pray tell, is he supposed to have done contrary to the benefit of society? What, among his actions or the actions of his students have hurt society? I suggest nothing. Nothing has been shown that did any harm to society at all. I would suggest from what you have already heard in the evidence, several newspapers and books and articles and other people have made money out of this story, and that's why they like to keep it growing, but he has done nothing detrimental to society besides putting forward what he honestly believed to be the truth. He puts forward a thesis that the Jews of today are not the Israelites of the old Testament; that the Talmud is not the Torah; and the current Jewish religion is wrong. He must be free to do that, and the religion of modern Jews should be open to legitimate criticism. What is legitimate in criticism? Why is it legitimate to criticize Christianity, criticism which goes on all the time and has every reason to go on right now and anywhere? Why is it legitimate to do that, but not to criticize the Talmud? Is the Talmud a very holy book? Where is the proof of that, other than the words of the Crown? If the Talmud is preoccupied with a false doctrine, then Christians should condemn it, and they should be free to condemn it. Jews are free to condemn Christianity. The Talmud definitely condemns Christianity as a false religion, and Christ as a false prophet. It is evident in the books that are here, and the photocopies from the Talmud, that's exactly what it says, and it should be

free to do so. To take another view, of course, means that religion would be subject to some form of intellectual dictatorship.

I'd like to briefly reiterate that in the course of the Crown's submission, there will be a selective process. It will be endeavouring, in a way, to promote hatred against the accused. It will be perfectly legitimate for the Crown to do so. It will portray him as a criminal and ask you to find that he had a criminal intent. That promotion of hatred will be based upon a selective process -- but he's not an identifiable group, he is an individual on trial. In all respects, his best protection and his only hope is that you will take a reasonable view of his rights and opinions, take them as those of an honest human being, and decide, as I think His Lordship should tell you, that Mr. Keegstra should have the benefit of the doubt as to his good faith, his religious belief, on their being in the public interest or for the public benefit, or reasonably founded. All of those things, if you have reasonable doubt, you should give to the accused and acquit him.

The whole prosecution about this is fraught with prejudice. The prejudice is created already, over and over again through the media. The hypocrisy is that in the name of tolerance, they prosecute a man's opinions. That is hypocrisy. If anything can be accomplished by the Defence, no matter what your verdict, it will be to demonstrate to you, to the whole world, and to the authorities, that when a man's opinions and beliefs are to be prosecuted, he will not give up without a fight, and perhaps those in authority will realize the futility of prosecuting people for their opinions.

For Mr. Keegstra's belief, there is no authority higher than God, and he has followed his conscience in that regard. He has demonstrated that he stands behind what he believes, and has not, in any major or significant way, deviated from what he believed to be the truth at the time that he taught. Nothing has been shown to demonstrate that he has any false belief or demonstrated that he dishonestly held any belief. The prosecutor may say that, in the course of any possible consideration of Mr. Keegstra's beliefs, you should take it that he was mistaken or misguided. If such were the case, that doesn't amount to the guilt necessary to constitute or justify a conviction. It would have to be a deliberate intent to pursue a goal of promotion of hatred against the identifiable group, which nothing in the evidence has demonstrated.

In my submissions to you at the outset, I said your conscience is your ultimate guide in terms of what you should do in respect to this case. You should consider the evidence and decide the case only on the evidence, and disregard all the impressions that have been created from extrinsic sources such as the media. In addressing the subject again of what is a public benefit or public interest, intelligent people can derive good from any teaching, while a fool derives nothing from even the best teaching. That's why the intelligent students acquired a great deal, and the less diligent probably acquired nothing, but the intelligent students who have come before you have demonstrated wise and alert minds; they have not demonstrated the stupidity of prejudice or the ignorance of indoctrination. Of course, it's true that fools will be misled, no matter what the teaching is. The students of James Keegstra who were misled, if any, would have been misled by any teacher, and I would suggest to you if you looked, for example, at the Richard Dennis' of this world, you could find similar flippant and irresponsible remarks as may have existed in the (student's) essay.

I suggest to you that intelligent, enquiring minds found no shortage of factual material, no shortage of good ideas, and new, challenging ideas to occupy their minds. In that respect, Mr. Keegstra's students benefitted, and in that respect, the public benefitted. The products of his teaching were of benefit to the public. That is a good example and a good indication that his reasons and his beliefs were for the public benefit.

Of course, those who want to censor ideas are never satisfied. They want the best of their views always heard, but no one else's. They insist that Mr. Keegstra and others like him be silenced, and this is a form of hysteria which is popular today. Those who exploit it are anxious to silence all views which they don't like. There will always be people who, powerful or otherwise, will like to silence views that offend them; but it's not the individual's perception of what is bad that should be applied. It is not any particular identifiable group's perception of what they don't like, it is the public benefit as a whole which must be regarded. Even if hatred was promoted in some peripheral way against the identifiable group, all those exceptions I mentioned -- the good faith, the reasonable grounds for belief, the public benefit and the purpose of removing hatred -- these are things that mean that if the accused had raised a reasonable doubt about them, you ought not to convict.

I suggest there are those who demonstrated, by insisting upon this prosecution, that they prefer ignorance, because Mr. Keegstra's students are far better informed than most. If you look around the world, how many people know as much as those students did about the events of December 7, or the Hitler-Stalin pact, or the pact of Leon Blum with Stalin, or about all the matters of the Second World War? How many students of Grade 12 history, or Social Studies would know that much? Consider that. That, too, is in the public interest.

You may not agree with every view they had. He was a very productive teacher, and maybe that's what irks the authorities about the whole thing, and maybe that's why he's being prosecuted. His students actually knew more and created more ideas and discussion than the students out of a class of Mr. Hoeksema's might.

It was said in the beginning, and it's still true, that this is a trial about power and about political power. We've already seen the effect of a power to destroy a person's reputation simply because of what he says. The prosecution wants you to ratify the power of the State, to turn that person into a criminal when no criminal intent, in my submission, has ever been demonstrated. It will be for you to decide whether or not such intent is demonstrated.

So, if you are to look upon public interest and to decide what is in the public interest, to justify a conviction, you'd have to take the view that the books he relies upon, the sources he's reasoned with, the processes he went through were unreasonable, and thereby, I suppose, make them something that would be more destructive to the public good than the correction of any harm that Mr. Keegstra might have done. If a man isn't entitled, as a teacher, to use his inherent common sense and to reach his own reasonable conclusions about history and communicate them, then it's obvious that many teachers are really redundant.

There is a final area of defence available to the accused which is relevant: that is that, he, in good faith, intended to point out for the purpose of removal, matters producing or intending to produce feelings of hatred towards an identifiable group in Canada. The information he had from the Talmud indicates a promotion of hatred against Christians. Evidence also indicates, in the course of his teaching, that he felt that Arabs had been stereotyped in a negative way and that promotion of hatred against them did exist. Likewise, of Germans. Everything you

know about the Talmud in evidence is from the defendant. Nothing in the way of any evidence contradicts it, and I would suggest to you that if you look into this book, it is the probably primary source that he relied upon. You will find numerous instances where it indicates that Christianity is religion founded by a fool, (that) it's a religion that is based upon total misconception. The Talmud implies an awful lot of things about Christians, but if one repeated them in public about Jews, there would be absolute outrage. It's my submission that he had it checked by a friend who saw the Babylonian Talmud in Edmonton, and he says, and I say he has reason to say, that it promotes hatred against Christians. It says far worse things, as I say, than Christians and certainly than he, or even Martin Luther have said against Jews. The Crown did not disprove or endeavour to disprove the reasonable basis of that belief in any way. The Talmud is represented, in a sense, by the Crown as an important Jewish book and is supposedly a holy book. That may be. The Crown is either so sure of itself, or so contemptuous of the position of the accused, that it does not call any evidence of an expert upon the Talmud, which is not a subject upon which everybody has common knowledge, to refute what was said by the accused about it, not once. Not a word is said against what he believed in terms of showing it not to be reasonable or not to be accurate. You were offered no evidence to show the accused's belief was unreasonable or based on any evident untruth. His evidence is really uncontradicted.

Where is it shown and proven that he had a reason to disbelieve this book was true? That is not to say it is true, but that is to say he had no reason to disbelieve it. If he had no reason to disbelieve it, then what is his moral duty? What, in good faith, ought he to do? It may be that, as the Crown tacitly alleged, a holy book. Maybe there is some other explanation. None is offered, and I know of none. Neither does the accused, but if he believes, as he did with what reasons he had, that this book represents a contradiction of the values of Christianity, then he ought to point out where it promotes the hatred of Christianity and where it is, in the eyes of a Christian, a false belief. Also, in this book, you'll find the "Kol Nidre". There may be experts I know not, but there wasn't any evidence to show that it doesn't mean what it says. The Crown says, don't you know that vows mean two different things, that breaking some is not the same as breaking others. Well, that's (the Crown's) opinion, but I don't think it's evidence. I would like you to answer this question to me and maybe look

at what's in here about the "Kol Nidre", and tell me, does it refer to all vows, as it's called The All Vows Prayer? If so, what is the difference whether it's one kind or another? If there's another answer, then maybe Jews have an obligation to put it forward that it doesn't mean what it says and it's something other than what it looks like. But it certainly does look like they put forward an idea that if you say a prayer, you can break vows.

Now, my client doesn't claim to be a Rabbi, and maybe my friend says he ought to have consulted one, but you don't need to consult a minister to read the Bible and you don't need to consult somebody anywhere to read a book. You don't need permission to form an opinion on a thing written in the plain, simple English. The Crown can say, well, that's not a valid translation. How does he know? How does the accused know? He takes it for what it is, and why shouldn't he? Is he not supposed to use his brain when he looks at this? If the accused had every reason to believe his source, and he did, I suggest, and there is no evidence to the contrary, you should accept that. Then he's under a moral duty to explain to his students and to the world that a religious contradiction exists to Christianity and the general belief, the general belief being that Judaism is a wonderful religion. He puts forward what he thinks is information that is important. He claims that this book called the Talmud puts forward ideas that are horrible to Christianity and insulting to Christ, and so he sees that as a contradiction to the morality he believes in. He considers it, then, his moral duty to point that out to his students. If this is what it says, what is he supposed to do: ignore it, pretend he doesn't know it, just because everybody else is quiet about it, because it would be safer to be quiet? He knows it would be safer be quiet now. He's morally obliged to reveal another point of view about the Jewish religion that demonstrates something significant. If what he finds here is accurate, and he has reason to believe it is, then he has a duty to reveal it, and he did. His information indicated that it was not a good religion, to put it mildly, and so he said.

Now, before you came to this trial, had you heard of the Talmud? Ask yourself that. How many of you had? Is it important? Is it an important subject? If there is a religion that practices the kind of deception that apparently exists in the "Kol Nidre", and apparently exists in the Talmud, is it important to tell the public? Is it important, if you are a Christian who believes that you ought not to do evil, to tell the world and tell Jews too, that this is not right? I think then you would acknowledge that there is a moral obligation to do that, and what other reason did he have? If it was

hate, I suggest to you that he need not have bothered referring to it because if it was as he indicated, there would be no hope for anyone who was of that persuasion, but he tries to point out what is wrong for the purposes of rectifying it and that is what, I suppose, is intended by the section of the hate bill where it refers to the removal of hate. Mr. Fraser refers to this as a holy book full of wisdom and good sayings. Where does he show us that? Show us any good sayings. If there are some, then maybe they went wrong, if he did. Why should it be assumed that anything that Mr. Keegstra said about this was not in good faith, or not for the purpose of removing hatred against Christianity and against Christian values.

He didn't say it privately; he didn't hide it; he didn't tell his students, don't repeat this. He said, go home and tell your parents what I've told you. If there's any dispute, take them as the final authority. Well I suppose you could say that many people who speak publicly do so because they aren't hiding anything. They don't intend any evil. They intend good. That is why they say things publicly, and that is why Mr. Keegstra said to his students: take what you hear (back) home to your parents and discuss it. Anyone with bad faith would not do that. He took it as an upright and moral duty to speak against the evil that he saw in the Talmud. Whether he was right or wrong is not the question, but he had every reason to believe that he was right. I suggest that there is no reason why anyone should cry foul over that. No Christian is obliged to bury his moral sensibilities or at any time be silent about something he considers to be evil.

The exposure of the Talmud, in my submission, to public scrutiny and discussion can only be salutary to the removal of hatred because first of all, if somebody reads it, that is definitely the impression he gets, logically gets. If there is another meaning, then I suggest Jews should be very anxious to put it forward in a thorough public discussion and should have been, I suggest, willing to testify about its good qualities and its merits. Then, of course, Mr. Keegstra, if he was wrong, could be corrected and if the public knows about the value of this book, anyone who takes a contrary view would have to justify it. I suggest to you that Mr. Keegstra's knowledge in regard to this book was superior to most people, superior to anyone among you, perhaps. For that reason, I suggest that he made what is obviously a diligent inquiry, and he relied on what is, I suggest, fairly reasonable sources.

The stereotyping of Arabs and Palestinians and others in the Middle East is something which you might consider in relation to your own common knowledge. You live in the world as do I, and I suggest to you that what Mr. Keegstra did in presenting his views in respect to the Middle East and to the Palestinian question was basically to put another point of view. The result was that the stereotyping of Arabs, and Palestinians in particular, was minimized and reduced. A large part of what he said when he was speaking about the Arab-Israeli War of 1967 and other events, was that there are two sides. Yes, he put forward one side, obviously more forcibly because the other side is always put forward in the media. I think that's a logical conclusion you can realize yourself, that the view that the Palestinians have some claim to Israel is not very often mentioned. The fact that they lived there since 70 A.D. is seldom referred to, and again, that is in the curriculum. So, I guess it should be regarded as something of public interest, if the Department of Education has any sensibilities in that regard.

When it comes to the Holocaust and the whole subject of the Second World War, the accused put forward another view of that subject as well, because it removes hatred against German people. I'm aware that the Crown may argue that the only type of publicity that exists about the Holocaust, and none of it is in evidence, is against Nazis; but the distinction, I suggest from common knowledge, is not always clearly made. To suggest that the numbers may not be as great as estimated or that the intent may not have been as evil is, in my submission, beneficial to the public in that it removes hatred against an identifiable group, to wit the Germans. His view about Yalta was that the allies gave over Latvia, Lithuania, Estonia, Poland, Hungary and Yalta to Communist domination. Isn't that so? What happened in the Second World War? Is he not right in that? He also said that Communism was the real victor of the war. What's wrong with that point of view? It would appear from a brief look at the history of those countries, including Czechoslovakia, Romania, Bulgaria, Yugoslavia, that there is some merit to that belief. Tell me what is a more accurate description of their faith. The book, **The East Comes West**, if you happen to look at it, is a heartrending description of what happened to the Cossacks and other Slavs who joined the Germany army and fought against the Russian army -- the Soviet army. If you ever do get a chance to read it, and it's in evidence, **The East Comes West**, and if you don't weep a tear over what happened to those people, then you wouldn't

weep tears over anybody else either. I suggest that it is a significant event that historically is not well known. These are points of public interest for the purpose of removing hatred against Germans by pointing out that the war wasn't all one-sided. I suppose it's a little too close to the war to get away with doing that safely, because there's a lot of people who are still anxious to keep one side all good and the other side all bad. I suggest that it's in the public interest to minimize hatred, through realizing that war itself is a crime. The Second World War was a Holocaust and the Germans suffered as much, in some instances, as anybody, as well as others who assisted them. The Holocaust, per se, is a subject that has been given total media attention, as if it was the only thing that happened in the war, to the exclusion of other things equally important.

So, I suggest to you Mr. Keegstra opposed and counterbalanced the stereotyping of the Germans, Palestinians, and to some extent, Christians. He had a right to read, to think, and to communicate those reasonable doubts and theories. This he did to remove the clearly hateful attitude towards some of those groups in the media, and in the public at large. He was doing so with a deliberate intent to be balanced, balanced perhaps not because he was the only source of information or because his views are biased, but balanced in the sense that if you put against him all the power of the major publishing outlets and opinions, he is a very very small intellectual opposition. There are some people who would like to see no opposition at all to certain views. That will be a dangerous situation contrary to the public interest, if it ever exists. All his discussions about the war tried to put it into a less hateful perspective. He does not deny evidence of persecution of Jews, but merely says it was part of a horrible war which in itself was a Holocaust. There is no doubt that he doubted some things. I suggest that doesn't constitute a grave danger, nor is it contrary to the public interest.

He emphasized and said that billions of dollars of foreign funding for Israel was one of the main reasons why the public attention is so constantly focussed on the Holocaust, so constantly asserting that it is the only thing that happened in the last 50 years. It is my submission that a balance is necessary and that he tried to achieve it, although he himself has a bias. His point of view is different from most, and therefore, is necessary and useful to the removal of hatred. It is useful to the reasonable explanation of history with more than just simplistic answers as one might find if you just read the textbook.

If you acquit James Keegstra, you make him what he really is, an innocent man. He happily can go back to his work as a mechanic. He's lost everything else, but he can go back and be what he's allowed to be now. He can return to work as an honest Christian, as he has always been, amongst his friends and family who love him. There's no evidence that any hurt was ever done by his teaching between '78 and '82. Nothing students did was any different than what they would have done if they had any other teacher, except after all the trouble started, and nothing has ever existed to show that he intended anything to disrupt the peace and harmony of his community.

If you convict him, you honour him in this respect, that you will condemn him, not really as a criminal, but because of his beliefs. There is no doubt he honestly believes what he does. He is the follower of his own ideal. He's an agitator according to his conscience for the ideals he believes in. Nobody can deny his sincerity in that. He will not fail to stand by his beliefs, whatever the outcome. If this prosecution succeeds, those who have the power to prosecute people for their opinions will take sustenance from it, and others will probably suffer the same consequences.

If you acquit him, I suggest we can return to a sanity in which different ideas are tolerated and a wider range of legitimate dispute through reasoned argument will occur. It will be a travesty and an injustice to allow his conviction when you cannot deny his honesty. Who among you, if you were required to show your own reasonable beliefs, could do better? Who among you can claim to have a better foundation in the Bible or in any other form of research for what you believe? Nobody believes one source only. Some of the cross-examination was directed to saying, well, this one source doesn't agree with you, not a hundred percent. It may even outright contradict the existence of the Jewish conspiracy theory, but it may also provide facts that support it. There's nothing inconsistent in that. Neither is it dishonest to reject someones conclusions, though accepting their observations and deriving your own conclusions, in the same way as you have every right to accept my submissions, recall some of the facts of that I recall, but disagree with my opinions. You have every right to do that. In fact, it is your duty to do that, in your conscience, to honestly follow your own conscience, not mine. I fulfill my duty by speaking what my duty is, and you yours by following your conscience, on the observation of the facts you have and on the understanding of the law

you get from His Lordship. But who has better foundation for Mr. Keegstra's beliefs than he?

The place and the understanding accorded by James Keegstra in his heart for the words of Jesus Christ and his understanding of what they mean is dictated only by his conscience, and by that, he has been bound. His conscience has been his guide in regard to the Bible, and he bows before no other authority. Nor need he under this law or any other, with regard to the God he believes. Very soon I will sit down and hear from the beginning what the Crown says. In my submission, it will be the culmination of what this whole prosecution has been. It will be, in essence, the accumulated promotion of hatred against James Keegstra far more than anything he has ever done against anyone or against any group. I will hope that you will consider the evidence in a different light and not make James Keegstra a prisoner of conscience. I say that only in the sense that he is already a prisoner of conscience, being here today because he said what he believed. History is a matter of opinion. It's undoubtedly going to be debated for years to come. You sit in judgment upon the good faith and honest belief of a fellow citizen. You think you will declare him guilty or not guilty and in some respect you are right, but the same God who has witnessed the martyrdom of millions of others for their beliefs and their faith beginning with Stephen, has viewed this proceeding. I'm sure, with a far different light. All of those who stood by their beliefs and were condemned for them, have elevated the human spirit by doing so, by being true to what they believe. They have served the public interest of all time, not just ours, by their example, and no matter what happens by his fight for what he believes, win or lose, he's demonstrated to the whole world and to anyone who comes after him the dignity of an individual who stands by his beliefs. He'll be an encouragement. I suggest, to those who may be persecuted for many different beliefs, not necessarily his. He, in his wisdom, has seen fit to never change his beliefs on the basis of what he knows. But I suggest that justice has already taken this indictment and thrown it out, whether you do or not, because it does not and cannot reflect the good intentions or best interests of any society. He who judges the heart and the truth of James Keegstra has already acquitted him, I suggest. I hope that you will realize the measure you will give will be the measure you will get for yourself.

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